

**TOWN OF WHITEHALL**  
**P. O. BOX 529**  
**WHITEHALL, MT 59759**  
**September 12, 2022**  
**PUBLIC HEARING**

The Whitehall Town Council held a Public Hearing at 6:45pm in the Council Chambers at 207 East Legion Street, Monday, September 12, 2022.

**PRESENT:** Council Members: Katy James, Bill Lanes, Pat Peterson, Linda Jung, Roy McBride, Clerk/Treasurer Allissa Christensen, and Mayor Mary Janacaro-Hensleigh.

**VISITORS:** Liz Pullman, Leonard Wortman, Kory Klapan, Joe Granvold, and Bridget Morse.

Mayor Mary Hensleigh called the Public Hearing to order at 6:45 P.M.

Linda: I am going to just remark on the places that were changed by the lawyer and by the planning board.

Mayor Mary: Okay.

Linda: **Sec. 42-4. Jurisdiction and incorporation of official development district map.**

(a) Except as provided for in § 76-2-310, MCA (2022), the zoning jurisdiction of the town is limited to the confines of the corporate limits of the town.

**Sec. 42-29. Penalties.**

(c) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this part or of any ordinance or other regulation made under authority conferred hereby, the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

**Sec. 42-48. Administration.**

(1) *Conforming uses.* Upon the submission to the town clerk-treasurer of a complete development permit application for a conforming use, and the payment of the necessary fee, a development permit shall be forwarded to the planning board for review. The planning board shall make a

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recommendation to the town council. If the town council finds the proposed development to be a conforming use, the application shall be returned to the town clerk-treasurer for issuance of a development permit.

Pat: What was added here was it previously did not say the planning board referred it to the council. It had the planning board making the final determination.

Linda: Right and we felt that needed correcting.

Pat: We needed it to be consistent with the non-conforming uses.

Mayor Mary: Right.

Linda: **Sec. 42-48. Administration.**

(c) All development permits that are approved and paid for are considered "active" for a period of one year from the date approved by town council. In the event that the building is not completed as per the specs on the permit, the permit is revoked; and another permit to continue or re-start must be applied for and submitted for review. The holder of the permit may appeal for a stay by appearing before the planning board prior to the permit's expiration. If the expiration date passes and the holder has not appeared to appeal, the permit is automatically revoked and the holder must re-apply. Further, the penalty of building without a permit may be applied to an unfinished project that has not applied for renewal.

**Sec. 42-76. Zoning districts; permitted uses and location of structures.**

(1) *Residential district.*

3. Churches.

4. Mobile/trailer home on individual lots.

**Sec. 42-76. Zoning districts; permitted uses and location of structures.**

6. *Fences.* All fences must comply with the following fence guidelines contained in subsection (1) b.6 of this section:

(i) All fences will be built on property lines. If not built on a property line, the fence must be maintained (both sides) by the property owner.

(iii) Verification that adjacent property owners have seen the plans for the new fence by signing acknowledgment form. If a fence is constructed on the property line, a signed agreement by both property owners addressing construction and maintenance is to be filed permanently at the clerk-treasurer's office.

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Linda: Just to verify this is not giving permission. The other person who is acknowledging is not giving permission they are just acknowledging that they know what they are building there.

(xi) Decorative sheet metal may be used under certain circumstances.

Linda: Before we had it couldn't be and now there is decorative sheet metal coming out so we added that.

### c. Mobile Home Standards for individual lots

1. Residents who move a mobile/trailer home into or within the Town of Whitehall must first obtain a zoning permit from the Town Clerk and post a deposit of \$250.00 which will be refunded if the following requirements are fulfilled within six (6) months. Failure to complete the following requirements within (6) six months from the date the zoning permit is issued will result in a fine of \$25.00 per day, for each day the mobile/trailer home is not in compliance with this section.
2. A mobile/trailer home is defined as a residential use in which one mobile/trailer home is located on a single lot.
3. "Trailer Home or Housetrailer" means a form of housing designed to be moved from one place to another by an independent power connected to the trailer home which is either 8 feet wide or less or 45 feet long or less (MCA 15-24-201 (2)).
4. "Mobile/Trailer Home" means form of housing known as "trailers", "housetrailer", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to the mobile home or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principle residence (MCA 15-24-201(4)).
5. Only one mobile/trailer home shall be allowed on a lot of 150 foot by 50 foot. Each mobile/trailer home shall be setback a minimum of 25 feet from the front property line 8 from the side property line. The front property line is defined as that which is parallel to the street which determines the address of the lot.
6. Permanent foundations for mobile/trailer homes shall be any of the following: cement footings, EPA approved treated timber, cement blocks, concrete pad or basement. Tie downs shall be required if the mobile/trailer home is not permanently attached to a foundation.

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7. All mobile/trailer homes shall be skirted with exterior plywood or siding, metal or fiberglass skirting and shall be painted to match or compliment the mobile/trailer.
8. Mobile/trailer homes manufactured more than 20 years old shall not be allowed to be placed on individual lots within the Town of Whitehall. The manufactured date of a mobile/trailer home shall be determined by the date of manufacture listed on the title of the mobile/trailer home.

b. Commercial district standards.

5. *Screening.* Where the rear or the side of a commercial use abuts a residential use, a screen at least six feet high shall be put up by commercial owner. A residence located in a commercial zone is responsible for putting up a screen if deemed necessary.

Linda: If you are living in a commercial area and you don't like the commercial thing then you put the fence up.

Pat: If they move in after you are already there, they put the fence up.

Linda: 8. *Mobile home park guidelines.*

(iii) The term "trailer home or house trailer" means a form of housing designed to be moved from one place to another by an independent power connected to the trailer home, for instance, a 5<sup>th</sup> wheeler which is either eight feet wide or less, or 45 feet long or less.

(v) Each mobile/trailer home in a mobile/trailer home park shall have at least 25 feet of space separating each mobile/trailer home, including porches and additions. Mobile/trailer homes shall be set back a minimum of 25 feet from the front property line, five feet from the rear property line, and eight feet from the side property line. The front property line is defined as that which is parallel to the street and which determines the address of the trailer park.

Linda: The thing that we changed was the five. It has eight before and we only require five for a regular home. That is why we changed it.

(ix) Mobile/trailer homes manufactured more than 20 years old shall not be allowed to be placed on individual lots within the Town of Whitehall. The manufactured date of a mobile/trailer home shall be determined by the date of manufacture listed on the title of the mobile/trailer home.

Linda: Didn't we just read that.

Pat: Yeah. But we did it on an individual lot.

Linda: Right. That was for individual.

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Pat: This is in a trailer park.

Linda: This is for a trailer park. The same. You go by the title on the mobile home.

Pat: That doesn't mean that if your trailer home is twenty years old, you have to pull it out and replace it. But you can not have it brought in and placed on a lot.

Linda: Right. The ones that are there already are grandfathered in.

Mayor Mary: Right.

Linda: b. Industrial standards.

*4. Screening.* Where the rear or the side of an industrial use abuts a residential use, a screen at least six feet high shall be put up by industrial owner. A residence located in an industrial zone is responsible for putting up a screen if deemed necessary. The screen shall be a sight-obscuring fence, shrubbery, or trees. All fences constructed, replaced, or repaired must comply with fence guidelines contained in subsection (1) b.6 of this section. That would be the MCA.

Mayor Mary: Are there any question or comments from the council? Any questions or comments from the public? Okay. This is just the first reading. The second reading will be next month.

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Mayor Mary Hensleigh

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Date

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Town Clerk Treasurer

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Date